

**VIRGINIA:**

**IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE**

<b>COMMONWEALTH OF VIRGINIA</b>	)	<b>CASE NOS. CR03-3089, CR03-3090, CR03-3091</b>
<b>VERSUS</b>	)	
<b>LEE BOYD MALVO a/k/a</b>	)	<b>INDICTMENT - CAPITAL MURDER (2</b>
<b>John Lee Malvo</b>	)	<b>Counts) and USING A FIREARM IN THE</b>
		<b>COMMISSION OF A FELONY</b>

**JURY TRIAL – Day 25**

On December 19, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, Raymond Morrogh, the Deputy Commonwealth's Attorney, LEE BOYD MALVO a/k/a John Lee Malvo, the Defendant, and Michael Arif and Craig Cooley, co-counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY and he appeared while in custody.

Counsel for the Defendant renewed the motion relating to the Commonwealth's presentation of victim impact testimony. The Court, after hearing argument, denied the motion. The Defense motion to accommodate its witnesses was resolved.

The Commonwealth's Attorney moved the Court to allow certain witnesses to remain in the Courtroom during testimony. There was no objection, and the motion was granted. The Commonwealth further moved the Court to allow the tape of the 911 call made by Mr. Franklin into evidence. The Court granted the motion, over the objection of the Defendant.

The Jury reconvened and heard evidence presented by the Commonwealth regarding the issue of punishment and some of the Defendant's evidence.

The Court, being of the opinion that this case could not be completed today, admonished the jurors as to their behavior during the recess and continued this case to December 22, 2003, at 10:00 a.m. for further deliberations.

The Defendant was remanded to the custody of the Sheriff.

Entered on December 19, 2003.

151

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JANE MARUM ROUSH  
JUDGE DESIGNATE